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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
10/016,943	12/13/2001	Pablo I. Rovira	M-12350 US	7400	
34036 75	590 08/20/2003				
SILICON VALLEY PATENT GROUP LLP			EXAMINER		
SUITE 360	COLLEGE BOULEVA	RD	TURNER, S.	TURNER, SAMUEL A	
SANTA CLAR	A, CA 93034		ART UNIT	PAPER NUMBER	
			2877		

DATE MAILED: 08/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

						an
			Applica	ation No.	Applicant(s)	
	A	• 41 •	10/016	10/016,943 ROVIRA, PABLO		I.
_	.Offic	Action Summary	Examin	er	Art Unit	
·				A. Turner	2877	
Period f	The MAI for Reply	LING DATE of this commun	ication appears on t	h coversh	eet with the correspondence ad	ldress
THE - Extended after aft	MAILING I ensions of time or SIX (6) MONT ne period for repl O period for rep lure to reply with reply received I	ly is specified above, the maximum st	ICATION. s of 37 CFR 1.136(a). In no nunication. sto) days, a reply within the statutory period will apply and will, by statute, cause the a	event, however, statutory minimur d will expire SIX ( application to bec	may a reply be timely filed  n of thirty (30) days will be considered time (6) MONTHS from the mailing date of this come ABANDONED (35 U.S.C. § 133).	
1)	Respons	sive to communication(s) fi	led on			
2a) <u></u>	This acti	on is <b>FINAL</b> .	2b)⊠ This action	is non-final		
3)					al matters, prosecution as to that 5 c.D. 11, 453 O.G. 213.	ne merits is
Disposi	tion of Cla	ims				
4)⊠	• • •	1-25 is/are pending in the	• •			
-	•	above claim(s) is/a	re withdrawn from	consideration	on.	
·		is/are allowed.				
•		<u>1-25</u> is/are rejected.				
•		is/are objected to.				
· ·	Claim(s) tion Paper	are subject to restrice	ction and/or electior	ı requireme	nt.	
		s ication is objected to by th	e Evaminer			
,	•	-		accented or t	b)⊠ objected to by the Examine	r
10)[2]					abeyance. See 37 CFR 1.85(a).	
11)					b) disapproved by the Examin	ier.
,	•	ed, corrected drawings are re			1	
12)		or declaration is objected to				
Priority	under 35 l	J.S.C. §§ 119 and 120				
		edgment is made of a claim	n for foreign priority	under 35 U	.S.C. § 119(a)-(d) or (f).	
•		☐ Some * c)☐ None of:				
	1.☐ Ce	rtified copies of the priority	documents have b	een receive	d.	
	2. Ce	rtified copies of the priority	documents have b	een receive	d in Application No	
*		pies of the certified copies application from the Interraction ached detailed Office action	national Bureau (PC	T Rule 17.2		Stage
14)	Acknowled	gment is made of a claim t	for domestic priority	under 35 L	J.S.C. § 119(e) (to a provisiona	l application).
		ranslation of the foreign la Igment is made of a claim				
Attachme						
2) Not	ice of Draftspe	ces Cited (PTO-892) erson's Patent Drawing Review (F osure Statement(s) (PTO-1449) F			erview Summary (PTO-413) Paper No tice of Informal Patent Application (PT ner:	
S. Patent and	Trademark Office					



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. Art Unit: 2877

#### **DETAILED ACTION**

### **Drawings**

The drawings are objected to because figures 1-3b must be labeled as prior art. Correction is required.

### Rejections Under 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

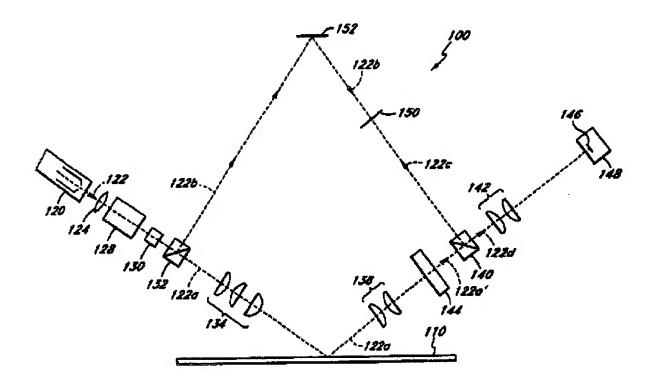
Claims 1-4, 6, 8, 10-18, 20, 21, 24, and 25 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Lacey et al(5,777,740).

Lacey et al teach a combined interferometer/polarimeter comprising a source(120) which can be a quartz halogen lamp or laser source, polarizer(128), quarter wave plate(130), first beam-splitter(132), directing optics(134), optics(138), adjustable polarizer or liquid crystal device(144), second beam-splitter(140), reference mirror(152), shutter(150), and detector(146). The apparatus can be used in either an ellipsometer mode with the shutter closed or the interferometer mode with the shutter open.



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# Rejections Under 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5, 6, 9, 19, 22, and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lacey et al(5,777,740).

Lacey et al fails to teach either a mirror or coupler in place of the beamsplitters or the use of multiple sources. Official notice is taken that mirrors and optical couplers are known functional equivalent beam-splitters, and that a single



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source can be composed of a plurality of separate light sources.. See <u>In re Malcolm</u>, 1942 C.D 589; 543 O.G. 440.

With regard to claims 5, 6, 9, 22, and 23; it would have been obvious to one of ordinary skill in the art to replace the beam-splitters with known functional equivalents such as mirrors of optical couplers.

With regard to claim 19; it would have been obvious to one of ordinary skill in the art to use any number of sources to provide the desired source bandwidth.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel A. Turner those telephone number is **(703) 308-4803**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font, can be reached on (703) 308-4881.

The fax phone number for this Group is (703) 308-7722. The faxing of papers related to this application must conform with the notice published in the Official Gazette, 1096 O.G. 30 (15 November 1989). The Group receptionist telephone number is (703) 308-0956.

Any inquiry of a technical nature regarding reissues, petitions, and terminal disclaimers should be directed to Hien Phan whose telephone number is (703) 308-7502, or Ed Westin whose telephone number is (703) 308-4823.

Any other inquiry of a technical nature, and all inquiries of a general nature including those relating to the status of this application or any patent term adjustment should be directed to TC2800 Customer Service Office whose telephone number is (703) 306-3329.

Samuel A. Turner Primary Examiner Art Unit 2877

SAT 8/8/03